

BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS
FRANK D. REEVES MUNICIPAL BUILDING
2000-14th STREET, N.W., SUITE 420
WASHINGTON, D.C. 20009
(202) 671-0550

IN THE MATTER OF)	DATE: April 15, 2005
)	
Kent Amos)	DOCKET NO.: 04F-197
Member (Former))	
DC Commission for National & Community)	
Service)	
2720 Unicorn Lane, NW)	
Washington, DC 20015)	

ORDER

Statement of the Case

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of the General Counsel following a determination by its Public Information and Records Management Division, that pursuant to D.C. Official Code §1-1106.02 (2001 Edition), Kent Amos, Member (Former), DC Commission for National & Community Service (Commission), failed to timely file, a Financial Disclosure Statement for calendar year 2003, on or before May 15, 2004 as required by D.C. Official Code §1-1106.02, and also failed to file on or before the OCF sanctioned extended filing deadline of June 21, 2004.

By Notice of Hearing, Statement of Violations and Order of Appearance dated November 17, 2004, OCF ordered Kent Amos (hereinafter respondent), to appear at a scheduled hearing on November 29, 2004 and show cause why he should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code §§1-1101.01 et seq., and fined accordingly.

Summary of Evidence

OCF alleges that the respondent failed to timely file the statutorily required Financial Disclosure Statement for calendar year 2003, on or before June 21, 2004.

On November 29, 2004, the respondent appeared at the scheduled hearing and testified that he timely executed and mailed the required report to OCF on or around May 4, 2004. Respondent presented a copy of the referenced FDS as proof of its execution on May 4, 2004. A diligent search of OCF's records was requested for this filing.

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Respondent further presented a copy of a notice from OCF dated April 15, 2004, which evidenced his handwritten note indicating the date of May 19, 2004, on which he forwarded a copy of the filing to the Commission. When notified by the Commission that his FDS was not received, respondent executed the form for a second time on July 13, 2004, which form was received by OCF on July 15, 2004. Respondent stated that he was re-appointed to the Commission on December 2, 2003, and that he was aware of his obligation to file the Financial Disclosure Statement, and that he had done so in the past. Respondent stated that he was resigning his membership on the Commission effective the hearing date, and filed a final FDS with OCF at the conclusion of the hearing. The search of OCF records did not uncover the document sought.

Findings of Fact

Having reviewed the allegations and the record herein, I find:

1. Respondent timely filed the Financial Disclosure Statement for calendar year 2002 on June 19, 2003.
2. Respondent was re-appointed to the Commission on December 2, 2003. Service.
3. Respondent was required to file a Financial Disclosure Statement with OCF for calendar year 2003, on or before June 21, 2004.
4. Respondent filed the required Financial Disclosure Statement on July 15, 2004.
5. Respondent has no history of prior filing delinquencies.
6. Respondent provided a credible explanation for the filing delinquency because he believed he mailed a fully executed FDS to OCF on or around May 4, 2004; and, it is more reasonable than not that he mailed the Financial Disclosure Statement to the Commission.
7. Respondent is currently in compliance with the statute.

Conclusions of Law

Based upon the record provided by OCF, I therefore conclude:

1. Respondent violated D.C. Official Code §1-1106.02.

2. The penalty established at D.C. Official Code §1-1103.05(b)(3), and 3DCMR §§3711.2(aa), 3711.2 and 3711.4 for failure to timely file a Financial Disclosure Statement required by D.C. Official Code §1-1106.02 is a fine of \$50.00 per day for each business day subsequent to the due date.
3. In accordance with D.C. Official Code §1-1103.05(b)(3), the respondent may be fined a maximum of \$800.00 for failing to timely file a Financial Disclosure Statement.
4. For good cause shown pursuant to 3DCMR §3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent's explanation for failing to timely file, coupled with a favorable filing history, constitute good cause for suspension of the fine.

Recommendation

In view of the foregoing and information included in the record, I hereby recommend that the Director suspend the imposition of the fine in this matter.

Date

**Jean Scott Diggs
Hearing Officer**

Concurrence

In view of the foregoing, I hereby concur with the Recommendation.

Date

**Kathy S. Williams
General Counsel**

ORDER OF THE DIRECTOR

IT IS ORDERED that the fine in this matter be hereby suspended.

Date

Cecily E. Collier-Montgomery
Director

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing Order, by regular mail, on respondent on April 15, 2005.

cc: Ronald R. Collins, Director
Office of Boards and Commissions
441 – 4th Street, NW
Suite 530-S
Washington, DC 20001

Shelly Ford, HR Advisor
Office of Boards and Commissions
441 – 4th Street, NW
Suite 530-S
Washington, DC 20001

NOTICE

Pursuant to 3DCMR §3711.5 (1999), any fine imposed by the Director shall become effective on the 16th day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000-14th Street, N.W., Washington, D.C. 20009.